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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO (COMM) 268/2025 & CM APPL. 58485/2025**

MILAP LOGISTICS PVT. LTDAppellant

Through: **Mr. Deepak Gautam, Advocate**

versus

BEE LOGISTICS SCM PVT. LTD & ORS.Respondents

Through: **Mr. Shivam Sharma, Adv. for R-1**
Mr. Raghav Sethi, Adv and Mr.
Nitin Chaturvedi, Advs for R-5
(thru VC)

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+ **FAO (COMM) 298/2025 & CM APPL. 66854/2025**

M/S SHIVTEJ CARGO PVT LTDAppellant

Through: **Mr Adityaraj Chavan & Mr. Rahul,**
Advocates

versus

BEE LOGISTICS SCM PVT LTD AND ORSRespondents

Through: **Mr. Shivam Sharma, Adv. for R-1**
Mr. Raghav Sethi, Adv and Mr.
Nitin Chaturvedi, Advs for R-5 (thru
VC)

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **28.11.2025**

1. We have heard respective counsels for some time. With the assistance of counsels appearing for the parties, we have also perused the



impugned order dated 27th August 2025, particularly *paragraph 25* of operative part of the order directing mandatory interim injunction, which reads thus:

“25. So, in these circumstances, the application u/o.39 rule 1 & 2 CPC is disposed off with following directions:-

- i. Defendants no.3 and 4 are directed to hand over the possession of the three containers no. MRKU8838605, MSKU4092546 and MSKU4246425 lying at the CFS of defendant no.1 to defendant no.5 (as per the direction sought by the plaintiff), within 5 working days.*
- ii. Needless to say all the surcharges/fees etc., liable to be paid to defendant no.1 or defendant no.5, to get release of containers, shall be borne by defendants no. 3 and 4 (as they appear to have colluded with each other for defrauding the plaintiff). Payment of these charges will be the joint and several liability of defendants no.3 and 4.”*

2. The parties are in agreement that *clause 1* of the directions has already been complied with, as respective containers stand released in favour of the original plaintiff, who is respondent no.1 in the present proceedings.

3. With regard to *clause 2*, which concerns the payment of surcharge fees, etc., to be paid to defendant no. 1 or defendant no. 5 for release of the containers, and to be borne by defendant nos. 3 and 4, we are informed that the original plaintiff, i.e. respondent no. 1, has already paid the said amount.

4. We are further informed that respondent no.1/ original plaintiff intends to move before the Trial Court seeking amendment of the plaint for



recovery of said dues which he has paid for release of the containers.

5. If such a request is made for amendment of the suit, respective counsels appearing for the parties thereto state that they have no objection to such amendment of the suit.

6. The Trial Court in such an eventuality shall pass consequential order having regard to the '*No Objection*' extended by the respective parties before this Court.

7. That being so, we see no reason to cause any interference with the matter at this stage of the proceedings, as *clause 2 of paragraph 25* of impugned order dated 27th August 2025, stands modified to the aforesaid extent.

8. Both the above captioned appeals stand disposed of in above terms. Pending applications are rendered infructuous.

9. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 28, 2025/sm/zb